

Remarks

Claims 11-15, 17-27 and 47-86 are pending in the Application.

Claims 11-15, 17-24, 27, 47-75 and 86 stand rejected.

Claims 25-26 and 76 stand allowed.

Claims 77-85 stand objected to.

Claims 11, 20, 22, 78-79, 81-82, and 84-85 are currently amended.

Claims 77, 80, 83, and 86 are cancelled herein without prejudice.

I. EXAMINER INTERVIEW

On January 27, 2005, the undersigned counsel for Applicant and Dr. Ken Smith, a co-inventor of the Application, met with the Examiner to discuss the Application and the Office Action. Applicant and its counsel appreciate the opportunity to have this discussion and wish to thank the Examiner for the interview.

II. ALLOWED CLAIMS

The Examiner indicated that Claims 25-26 and 76 are in allowable form. Office Action, at 14.

III. ALLOWABLE SUBJECT MATTER

The Examiner indicated that Claims 77-85 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Office Action, at 14.

Claim 77 depended directly from independent Claim 11. Applicant has amended Claim 11 herein so that it now includes the limitations from Claim 77 (and cancelled Claim 77). Accordingly, Claim 11, as amended, is now prior Claim 77 rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Accordingly, newly amended Claim 11 is now in condition for allowance.

Claims 78 and 79 depended from Claim 77. Applicant has thus amended Claims 78 and 79 to now depend from newly amended Claim 11, which is Claim 77 written in independent form.

Claim 80 depended directly from independent Claim 20. Applicant has amended Claim 20 herein so that it now includes the limitations from Claim 80 (and cancelled Claim 80). Accordingly, Claim 20, as amended, is now prior Claim 80 rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Accordingly, newly amended Claim 20 is now in condition for allowance.

Claims 81 and 82 depended from Claim 80. Applicant has thus amended Claims 81 and 82 to now depend from newly amended Claim 20, which is Claim 80 written in independent form.

Claim 83 depended directly from independent Claim 22. Applicant has amended Claim 22 herein so that it now includes the limitations from Claim 83 (and cancelled Claim 83). Accordingly, Claim 22, as amended, is now prior Claim 83 rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Accordingly, newly amended Claim 22 is now in condition for allowance.

Claims 84 and 85 depended from Claim 83. Applicant has thus amended Claims 84 and 85 to now depend from newly amended Claim 22, which is Claim 83 written in independent form.

Accordingly, Applicant respectfully requests that the Examiner withdraw the objections of the Claims 77 (now amended Claim 11), 78-79, 80 (now amended Claim 20), 81-82, 83 (now amended Claim 22) and 84-85.

IV. 102(b)/103(a) REJECTIONS

Examiner has rejected Claims 11-15, 17-24, 27, 47-75 and 86 under 35 U.S.C. §§ 102(b) and 103(a) for the reasons expressed on pages 3-14 of the Office Action. *See* Office Action, at 12.

Applicant has cancelled Claim 86. Therefore, this rejection is now moot.

As to the remaining independent claims of the rejected claims (Claims 11, 20, and 22), Applicant has amended each of these to add in the limitations of objected to Claims 77, 80, and 83, respectively, which, as noted above, depended directly from these respective independent claims. *See* Section II above. Hence, each of Claims 11, 20, and 22 are now in allowable form. *Id.*

As to the remaining rejected claims, (Claims 12-15, 17-19, 21, 23-24, 27, and 47-75, each of these claims depends directly or indirectly from one of Claims 11, 20, and 22. Accordingly, each of these dependent claims depends from a base independent claim that is in allowable form.

Thus, each of the rejected claims is now in condition for allowance.

Accordingly, Applicant respectfully requests that the Examiner withdraw all of the rejections of Claims 11-15, 17-24, 27, 47-75 and 86 under 35 U.S.C. §§ 102(b) and 103(a).

V. § 103(a) REJECTIONS OVER DAVEY IN VIEW OF DILLON AND OTHER ART

The Examiner has relied upon Dillon *et al.*, U.S. Patent Application No. 2002/0150529 (“Dillon”) for a number of rejections. *See* Office Action, at 4-12 (wherein the Examiner rejected 11-15, 17-19, 20-24, 27, 47, 48-55, 56-58, 59-69, 70-75, and 86 under 35 U.S.C. § 103(a) over Davey *et al.*, U.S. Patent No. 6,576,341 (“Davey”) in view of Dillon and, sometimes in further view of other art). As noted above in Section IV, these rejections are moot due to the amendments in the claims.

However, lest Applicant’s silence be somehow viewed as an acquiescence respecting Dillon, Applicant further points out Dillon is not prior art to the present Application and thus, in addition to other reasons, such rejections are not proper. The present Application has a date of priority of August 24, 2000 (U.S. Provisional Patent Application Serial No. 60/227,604). Dillon bases its priority upon PCT Patent application PCT/US01/01698, which was filed January 17, 2001. Thus, the earliest priority date of Dillon is January 17, 2001, which is after the effective filing date of the present Application.

VI. CONCLUSION

As a result of the foregoing, it is asserted by Applicant that the Claims in the Application are now in a condition for allowance, and respectfully requests allowance of such Claims.

Applicant respectfully requests that the Examiner call Applicant’s attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

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PATENT

Respectfully submitted,

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